

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 5077 of 2006

Om Prakash Dash and Others

....

Petitioners

Mr. Srinivas Misra-2, Advocate

-versus-

State of Odisha and Others

....

Opposite Parties

Mr. Debakanta Mohanty, Addl. Govt. Advocate

CORAM:

THE CHIEF JUSTICE

JUSTICE R.K. PATTANAİK

Order No.

ORDER
16.02.2022

11. 1. The grievance of the Petitioners is that the land has been wrongly leased out to Opposite Party Nos.6 to 113 by the orders of the Tahasildar, Sadar, Dhenkanal (Opposite Party No.5). In the present petition, although notice was issued way back on 27th April, 2006 and status quo order was passed on the same day, no counter affidavit has been filed till date by any of the Opposite Parties including the State. The order of the Tahasildar granting lease has also not been placed on record.
2. The order has been passed under the Odisha Government Land Settlement Act (OGLS Act) which provides the statutory remedies. Learned counsel for the Petitioners stated that they were not parties to the proceedings under which these lease were granted although they were in fact owners in possession of such land.

3. Without expressing any opinion on the above contention, the Court permits the Petitioners to institute appropriate proceedings under the OGLS Act to challenge the action of the Opposite Party No.5 in granting leases to Opposite Party Nos. 6 to 113 provided those proceedings are instituted not later than 14th March, 2022 and most importantly Opposite Party No.6 to 113 or their present legal representatives are made parties to those proceedings. The Court also notes that the status quo order passed by this Court dated 27th April, 2006 has continued till now. Consequently, it is directed that if the proceedings under OGLS Act are instituted by the Petitioners within the time stipulated then the status quo order passed by this Court will continue till conclusion of those proceedings.

4. The writ petition is disposed of in the above terms.

5. An urgent certified copy of this order be issued as per rules.

(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge

S.K. Jena/P.A.